

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT**

**NEW MEXICO ENVIRONMENT)
DEPARTMENT,)
)
Complainant,)
)
v.)
)
BL SANTA FE, LLC,)
)
and)
)
HRV HOTEL PARTNERS, LLC,)
)
Respondents.)**

No. SWB 20-001 (CO)

**REQUEST FOR HEARING AND ANSWER OF RESPONDENTS
BL SANTA FE, LLC AND HRV HOTEL PARTNERS, LLC**

Pursuant to 20.1.5.200.A(1)-(2) NMAC, and to the Order Granting Extension of time for Respondents to File an Answer and Request for Hearing filed received on March 12, 2020, Respondents BL Santa Fe, LLC and HRV Hotel Partners, LLC (collectively “BL Santa Fe”), submit this Request for Compliance Order Hearing and Answer to the Administrative Order Requiring Compliance and Assessing a Civil Penalty (“Compliance Order”) filed by the New Mexico Environment Department (“NMED”).

I. Request for Compliance Order Hearing.

In accordance with 20.1.5.200.A(1), BL Santa Fe hereby requests a hearing, initiating the appeals process governed by 20.1.5 NMAC. A copy of the Compliance Order is attached hereto as Exhibit A.

II. Answer.

In accordance with 20.1.5.200.A(2), BL Santa Fe submits this answer to the Compliance Order as follows:

A. Response to Findings of Fact

1. BL Santa Fe admits the assertions contained in paragraphs 1-5 of the Compliance Order.

2. Answering paragraph 6, BL Santa Fe admits that BL Santa Fe transported three (3) solid waste loads to the Jacona landfill located on Pueblo of Pojoaque lands. To the extent that paragraph 6 refers to persons not employed by, or affiliated with, BL Santa Fe, BL Santa Fe is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 directed at non-parties and therefore denies the same.

3. BL Santa Fe admits that paragraphs 7-14 accurately set forth the language contained in the cited provisions of the Solid Waste Rules (SWR), 20.9.2 to 20.9.10 NMAC and states that these provisions speak for themselves.

4. BL Santa Fe is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and therefore denies the same.

5. BL Santa Fe admits that paragraphs 16(A)-16(E) accurately set forth the substance of the June 18, 2019 Notice of Non-Compliance – BL Santa Fe, LLC [Operator of Bishops Lodge] (“Notice of Non-Compliance”), received by BL Santa Fe on July 3, 2019 but denies that these paragraphs present the full factual background necessary to provide the proper context for evaluating the events that are the subject of the Compliance Order.

As further answer to paragraphs 16(A)-16(E), BL Santa Fe affirmatively states that compliance with the SWR governing the transportation and disposal of wastewater sludge is a

matter that it takes very seriously, as evidenced by the June 24, 2019 letter from the Enforcement Coordinator of the Solid Waste Bureau (“SWB”) acknowledging BL Santa Fe’s compliance with the SWR in transporting and disposing of wastewater sludge, the same type of waste at issue under the Compliance Order.

As further answer to paragraphs 16(A)-16(E), BL Santa Fe affirmatively asserts that BL Santa Fe was never made aware that the Pueblo of Pojoaque was not permitted to accept special waste; in fact, the Pueblo of Pojoaque affirmatively represented to BL Santa Fe that it could accept special waste. Given that the Pueblo of Pojoaque affirmatively represented to BL Santa Fe that it could accept special waste, and given that the Pueblo of Pojoaque provided BL Santa Fe with a Certificate of Disposal, specifically providing for the disposal of sludge, BL Santa Fe reasonably relied on the Pueblo’s affirmative acknowledgements of the disposal of sludge on Pueblo lands as verification that the Pueblo was in fact properly permitted to accept that special waste on those lands. A copy of the Certificate of Disposal provided to BL Santa Fe by the Pueblo of Pojoaque is attached as Exhibit B. Moreover, the fact that the Pueblo of Pojoaque invoiced BL Santa Fe for disposal of the special waste further indicated that the Pueblo was engaged in properly permitted special waste disposal activities.

B. Response to Conclusions of Law

6. Paragraphs 1-5 of BL Santa Fe’s Answer are incorporated herein by reference.
7. Paragraphs 18-21 contain legal conclusions regarding the alleged Violations Nos. 1-4 to which no response is required. To the extent that a response is required, BL Santa Fe denies these allegations.

C. Response to Civil Penalty

8. BL Santa Fe denies that the civil penalties and payment directives set forth in paragraphs 22-23 are warranted or appropriate under these circumstances.

D. Schedule of Compliance

9. BL Santa Fe admits that it is required to abide by the SWR set forth in paragraphs 24(A)-24(D) and affirmatively states that it has subsequently transported and disposed of wastewater sludge in strict adherence to the SWR, and will continue to do so.

10. BL Santa Fe denies that sole responsibility for removal and remediation of the sludge disposed of at the Pueblo of Pojoaque landfill, as set forth in paragraph 24(E), is warranted or appropriate under these circumstances.

11. BL Santa Fe denies that payment of the civil penalties as set forth in paragraph 24(F) is warranted or appropriate under these circumstances.

E. Notice, Notice of Opportunity to Answer and Request a Hearing, Finality of Order, Settlement Conference, Termination

12. The allegations contained in paragraphs 25-37 are administrative notices regarding Respondents' rights and duties in appealing the Compliance Order and require no answer.

13. In accordance with 20.1.5.200.A(2)(C), the Affirmation of BL Santa Fe is attached hereto.

Affirmative Defenses

First Affirmative Defense

The civil penalty contained in paragraph 22 of the Compliance Order exceeds the NMED's statutory authority and is otherwise not in accordance with law.

Second Affirmative Defense

The civil penalty contained in paragraph 22 is arbitrary and capricious and constitutes selective enforcement and application of the SWR because the Compliance Order implicates only BL Santa Fe and not the Pueblo of Pojoaque. The civil penalty is further arbitrary and capricious because it is disproportionate to other fines assessed under the SWR.

Third Affirmative Defense

The corrective action contained in paragraph 24(E) is arbitrary and capricious and constitutes selective enforcement and application of the SWR because the corrective action implicates only BL Santa Fe and not the Pueblo of Pojoaque.

Fourth Affirmative Defense

The civil penalty contained in paragraph 22 constitutes punitive damages that are barred by the Constitution of the State of New Mexico and by the Constitution of the United States.

Fifth Affirmative Defense

The civil penalty contained in paragraph 22 is excessive and violates BL Santa Fe's due process of law.

Sixth Affirmative Defense

The NMED cannot establish a prima facie case that the alleged violations are severe enough to support the civil penalty or that the civil penalty is appropriate.

Seventh Affirmative Defense

BL Santa Fe is not responsible for the Pueblo of Pojoaque's operation of a solid waste facility that does not comply with the New Mexico Solid Waste Act, NMSA 1978, Sections 74-9-1 to -42 ("SWA") or the SWR.

Eighth Affirmative Defense

BL Santa Fe justifiably relied on the Pueblo of Pojoaque's affirmative representations that it could accept special waste.

Ninth Affirmative Defense

The penalty and corrective action set forth in the Compliance Order are barred by the doctrine of estoppel.

AFFIRMATION

The information contained herein is to the best of the undersigned's knowledge believed to be true and correct.

WHEREFORE, BL Santa Fe respectfully requests the NMED grant the following relief:

1. Grant BL Santa Fe a Compliance Order Hearing pursuant to the SWA and SWR;
2. Dismiss the Compliance Order; and
3. Provide such other relief as may be just and reasonable.

Respectfully submitted this 30th day of March, 2020.

HINKLE SHANOR LLP

/s/ Thomas M. Hnasko

Thomas M. Hnasko

Julie A. Sakura

P.O. Box 2068

Santa Fe, NM 87504-2068

(505) 982-4554

thnasko@hinklelawfirm.com

jsakura@hinklelawfirm.com

*Attorneys for Respondents BL Santa Fe, LLC
And HRV Hotel Partners, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2020, a copy of the foregoing *Request for Hearing and Answer of Respondents BL Santa Fe, LLC and HRV Hotel Partners, LLC* was e-mailed to the following:

Christopher Atencio
Assistant General Counsel
Legislative & Policy Legal Analyst
New Mexico Environment Department
Office of General Counsel
121 Tijeras Avenue NE
Albuquerque, NM 87102
christopher.atencio@state.nm.us

Sara Martinez
saralouise.martinez@state.nm.us

/s/ Thomas M. Hnasko
Thomas M. Hnasko

**NEW MEXICO ENVIRONMENT
DEPARTMENT,**

v.

and

Respondents.

ADMINISTRATIVE ORDER REQUIRING COMPLIANCE AND ASSESSING A CIVIL PENALTY

FINDINGS OF FACT

EXHIBIT A

2. Respondent BL Santa Fe, LLC is a limited liability company incorporated in Delaware and registered to do business in New Mexico with the Secretary of State's Corporation and Business Services Division. BL Santa Fe, LLC's Manager is Richard Holland. BL Santa Fe, LLC's Registered Agent is Linda L. Aikin. The physical address associated with Mr. Holland and Ms. Aikin is 1297 Bishops Lodge Road, Santa Fe, New Mexico 87506.

3. Respondent HRV Hotel Partners, LLC is a limited liability company incorporated in Georgia and registered to do business in New Mexico with the Secretary of State's Corporation and Business Services Division. HRV Hotel Partners, LLC's Managers are Margie Holland and Richard Holland. HRV Hotel Partners, LLC's Registered Agent is BL Santa Fe, LLC, with an associated physical address of 1297 Bishops Lodge Road, Santa Fe, New Mexico 87506.

4. Respondents own and operate Bishops Lodge, which is located at 1297 Bishops Lodge Road, Santa Fe, New Mexico 87506. Bishops Lodge is a 317 acre resort with, at one time, approximately 120 guest rooms and horse stables. At the time of the violations alleged in this Order, Bishops Lodge was closed for renovation.

5. Respondents are "persons," as defined in the SWA, NMSA 1978, Section 74-9-3(I), and the SWR, 20.9.2.7.P(2) NMAC.

6. Pursuant to 20.9.2.7.H(1) NMAC, Respondents are "haulers."

7. Pursuant to 20.9.3.31.A NMAC, "[c]ommercial haulers of solid waste and any haulers that transport special waste shall register with [NMED] 30 days prior to beginning operations and every five years thereafter...".

8. Pursuant to 20.9.3.31.B NMAC, all haulers that transport special waste, in addition to the requirements of 20.9.3.31.A NMAC, shall register with NMED on a form provided by NMED, submit the exact locations and permit number(s) of solid waste facilities to be used, submit a

contingency plan to address potential emergency situations to NMED for approval, and submit a list of contents of clean-up kits to be carried in each vehicle used for hauling.

9. Pursuant to 20.9.2.7.S(13) NMAC, “special waste” means “solid waste that has unique handling, transportation, or disposal requirements to assure protection of the environment and the public health, welfare and safety” and includes sludge.

10. Pursuant to 20.9.8.10.F NMAC, “[a]ny generator or hauler of special waste shall assure that a manifest in accordance with 20.9.8.19 NMAC accompanies each load of special waste originating in or to be disposed in New Mexico...”.

11. Pursuant to 20.9.2.10.B NMAC, “[a]ny person who generates, stores, processes, transports or disposes of solid waste shall take reasonable measures to determine the characteristics of the waste being handled to assure that no prohibited act is being performed.”

12. Pursuant to 20.9.2.10.A(1) NMAC, no person shall “store, process, or dispose of solid waste except by means approved by [NMED] and in accordance with [Environmental Improvement Board] rules...”.

13. Pursuant to 20.9.2.10.A(3) NMAC, no person shall “dispose of any solid waste in a place other than a solid waste facility that meets the requirements of [the SWR]...”.

14. Pursuant to 20.9.8.8 NMAC, “[t]he generator of a special waste shall assure that the special waste is disposed of in a solid waste facility permitted to accept the special waste or treated at a permitted facility, prior to disposal, to render it a non-special waste.”

15. On June 5, 2018, NMED’s Ground Water Quality Bureau (“GWQB”) notified NMED’s Solid Waste Bureau (“SWB”) of Bishops Lodge’s failure to submit special waste manifests documenting transportation and disposal of sludge from two wastewater treatment facility ponds (identified as the “East Wetland” and the “West Wetland”) pursuant to decommissioning

of its wastewater treatment facility and closeout of GWQB's Discharge Permit No. DP-75, which was issued on February 14, 2011 and expired on February 14, 2016.

16. Subsequent to GWQB's June 5, 2018 notification, SWB investigation determined the following:

A. One hundred and thirty-five (135) truckloads of sludge were removed from Bishops Lodge and transported to an unpermitted disposal location within the Pueblo of Pojoaque between March 14, 2018 and March 19, 2018. Specifically, seven truckloads were transported on March 14, 2018; 12 truckloads were transported on March 15, 2018; 31 truckloads were transported on March 16, 2018; 49 truckloads were transported on March 17, 2018; 36 truckloads were transported on March 19, 2018; and the remaining three truckloads were transported by Bishops Lodge on undetermined day(s) between March 14, 2018 and March 19, 2018;

B. Of the 135 truckloads of the sludge transported from Bishops Lodge to the Pueblo of Pojoaque, a total of 132 truckloads were transported by six commercial haulers paid by Bishops Lodge. The three additional truckloads of sludge were transported by Bishops Lodge itself;

C. None of the transporters were registered with NMED as commercial haulers or not-for-hire haulers of special waste;

D. None of the 135 truckloads of sludge were transported with accompanying special waste manifests documenting chain-of-custody and proper disposition of the sludge; and

E. The sludge, a special waste, was released to commercial haulers or transported by Bishops Lodge itself without first assuring sufficient characterization of the sludge through laboratory testing. The sludge was sampled, transported and subsequently disposed without an approved disposal management plan ("DMP"), as would have been required for proper disposal

of sludge at a permitted solid waste facility within State of New Mexico jurisdiction. Bishops Lodge did not determine the volume of sludge requiring disposal and only collected one sample from each of the wetland ponds, so there was no assurance that the standard of one representative sample for every 100 cubic yards of sludge was met nor whether the methodology for acquiring the samples was sufficiently representative. SWB investigation also determined that Respondents misled the contracted sludge transporters regarding the true nature of the waste, by referring to it as "dirt" or "mud."

CONCLUSIONS OF LAW

17. Paragraphs 1 through 16 are incorporated herein by reference.

Violation No. 1

Failure to Register as a Hauler of Special Waste

18. In violation of the SWR, 20.9.3.31.A NMAC, Respondents transported three separate truckloads of sludge, a special waste, from Bishops Lodge to the Pueblo of Pojoaque for the purpose of disposal without first registering as a hauler of special waste, three instances of violation, occurring on or after March 14, 2018 to on or before March 19, 2018.

Violation No. 2

Failure to Manifest Special Waste (Sludge)

19. In violation of the SWR, 20.9.8.10.F NMAC, Respondents released a total of 132 truckloads of sludge to six commercial haulers paid by Respondents and transported three additional truckloads of sludge itself without assuring that a special waste manifest in accordance with 20.9.8.19 NMAC accompanied each truckload, 135 instances of violation, occurring on or after March 14, 2018 to on or before March 19, 2018.

Violation No. 3

Failure to Sufficiently Characterize Special Waste (Sludge)

20. In violation of the SWR, 20.9.2.10.B NMAC, Respondents failed to sufficiently document the physical and chemical characteristics of special waste (sludge) prior to transportation and disposal, as it was undetermined whether the standard of one representative sample for every 100 cubic yards of sludge was met or whether the methodology for acquiring samples was sufficiently representative of the sludge, two instances of violation (one instance each for the East and West Wetlands), occurring on or before March 14, 2018.

Violation No. 4

Improper Disposal of Special Waste (Sludge)

21. In violation of the SWA, NMSA 1978, Section 74-9-31(A)(1)(a), and the SWR, 20.9.2.10.A(1), 20.9.2.10.A(3) and 20.9.8.8 NMAC, Respondents, through contracted transporters or self-hauling, disposed of 135 truckloads of sludge from Bishops Lodge's decommissioned wastewater treatment facility at an unpermitted disposal location within the Pueblo of Pojoaque, 135 instances of violation, occurring between March 14, 2018 and March 19, 2018 – with seven truckloads on March 14, 2018, 12 truckloads on March 15, 2018; 31 truckloads on March 16, 2018; 49 truckloads on March 17, 2018; 36 truckloads on March 19, 2018; and the remaining three truckloads on undetermined day(s) between March 14, 2018 and March 19, 2018.

CIVIL PENALTY

22. The SWA, NMSA 1978, Section 74-9-36(B), authorizes the assessment of civil penalties of up to \$5,000.00 per day for each violation of the SWA or the SWR. NMED hereby assesses a civil penalty of \$59,000.00 for Respondents' four violations. The penalty is calculated based on

the factors set forth in NMED's Solid Waste Civil Penalty Assessment Policy and upon such other factors as justice may require. The individual penalty for each violation is:

<u>Violation</u>	<u>Amount</u>
No. 1 Failure to Register as a Hauler of Special Waste	\$1,000.00
No. 2 Failure to Failure to Manifest Special Waste (Sludge).....	\$9,000.00
No. 3 Failure to Sufficiently Characterize Special Waste (Sludge)	\$4,000.00
No. 4 Improper Disposal of Special Waste (Sludge).....	\$45,000.00

23. Payment shall be made by certified or cashier's check payable to the State of New Mexico and mailed or hand delivered to: Joan M. Snider, Chief (Acting), Solid Waste Bureau, NMED, Harold Runnels Building, Room N-2150, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469.

SCHEDULE OF COMPLIANCE

24. Based on the foregoing findings and conclusions, and pursuant to the SWA, NMSA 1978, Section 74-9-36(A)(1), Respondents are hereby ordered to comply with the following schedule of compliance:

A. Upon Receipt of this Order, Respondents shall cease or refrain from future special waste transportation unless or until Respondents' hauling operations are registered with NMED [20.9.3.31.A NMAC];

B. Upon receipt of this Order, Respondents, when disposing of sludge, shall assure the use of special waste manifests meeting the requirements of the SWR [20.9.8.10.F and 20.9.8.19 NMAC];

C. Upon receipt of this Order, Respondents, when disposing of sludge within the State of New Mexico, shall assure sufficient characterization of the sludge by submitting a

generator-specific DMP to NMED, requesting approval and addressing the relevant portions of 20.9.8.16.A through 20.9.8.16.D NMAC prior to the transport of any sludge from the generating location. The DMP, once approved, becomes part of the disposal facility's operating record and provides reasonable assurance of proper sampling protocol, sufficient sampling frequency, use of approved laboratory test methods, testing for all necessary parameters, use of special waste manifesting, use of registered haulers specifically approved to transport sludge, and disposal of the sludge at a solid waste facility permitted to accept sludge [20.9.2.10.B and 20.9.8.11.A NMAC];

D. Upon receipt of this Order, Respondents shall dispose of sludge at a solid waste facility permitted to accept sludge for all future disposals [20.9.2.10.A(1) and (3), and 20.9.8.8 NMAC];

E. Pursuant to Attachment 1 to this Order, within 30 days of receipt of this Order, Respondent shall arrange with the Pueblo of Pojoaque for removal and remediation of the improperly disposed sludge and arrange for proper disposal pursuant to all applicable state, federal, and tribal laws [20.9.8.8 NMAC; Pueblo of Pojoaque Tribal Council Resolution 2019-146]; and

F. Within 45 days of receipt of this Order, Respondent shall pay the civil penalty, as assessed in Paragraph 22 of this Order.

NOTICE

25. For failure to take corrective action and timely comply with the foregoing requirements of this Order, the Secretary of NMED, pursuant to the SWA, NMSA 1978, Section 74-9-36(C), may seek to assess additional civil penalties of not more than Ten Thousand Dollars (\$10,000.00) for each day of non-compliance with the Order.

NOTICE OF OPPORTUNITY TO ANSWER AND REQUEST A HEARING

26. Under the SWA, NMSA 1978, Section 74-9-36(G), this Order shall become final unless, no later than thirty (30) days after the Order is served, Respondents submit a written request to the Secretary for a public hearing to: Cody Barnes, Hearing Clerk, Office of the Secretary, NMED, Harold Runnels Building, Room S-2100, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502. A copy of this Order must be attached to the Request for Hearing.

27. Pursuant to 20.1.5.200.A(2) NMAC, which governs NMED's Adjudicatory Procedures, Respondents' Request for Hearing shall also include an Answer.

28. Pursuant to 20.1.5.200.A(2)(a) NMAC, Respondents' Answer shall clearly and directly admit or deny each of the factual allegations contained in the Order with regard to which Respondents have any knowledge. Where Respondents have no knowledge of a particular factual allegation, Respondents should so state, and Respondents may deny the allegation on that basis. Any allegation of the Order not specifically denied shall be deemed admitted.

29. Pursuant to 20.1.5.200.A(2)(b) NMAC, Respondents' Answer shall also include any affirmative defenses upon which Respondents intend to rely. Any affirmative defenses not asserted in the Answer and Request for Hearing, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived.

30. Pursuant to 20.1.5.200.A(2)(c) NMAC, Respondents' Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signers' knowledge true and correct.

31. Any and all public hearings related to this matter shall be governed by NMED's Adjudicatory Procedures, 20.1.5 NMAC.

FINALITY OF ORDER

32. This Order shall become final unless Respondents file a Request for Hearing and Answer within 30 days after this Order is served. Unless a hearing is requested and an Answer filed in writing, the penalty proposed in this Order shall become due and payable as set forth in the Schedule of Compliance.

SETTLEMENT CONFERENCE

33. Whether or not Respondents submit a Request for Hearing and file an Answer, Respondents may confer with NMED concerning settlement. NMED encourages settlement consistent with the provisions and objectives of the SWA and the SWR. Settlement discussions *do not* extend the 30 day deadline for filing an Answer and Request for Hearing, or alter the deadlines for this Order. Settlement discussions may be pursued as an alternative to and simultaneously with the hearing proceedings. Respondents may appear at the settlement conference *pro se* (without legal counsel) or may be represented by legal counsel.

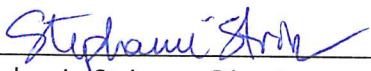
34. Any settlement reached by the parties must be consistent with the SWA and the SWR. Any settlement must be approved by the Secretary of NMED and shall be a Stipulated Final Order signed by the parties. The Stipulated Final Order shall contain all of the requirements of 20.1.5.600.B(2) NMAC.

35. To explore the possibility of settlement in this matter, you may contact George W. Akeley, Jr. ("Chuck"), Manager, Enforcement Section, Solid Waste Bureau, NMED District I, 121 Tijeras Drive NE, Suite 1000, Albuquerque, New Mexico 87102-3400, (505) 222-9585, to set up a meeting.

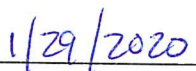
36. Compliance with the requirements of this Order does not relieve Respondents of the obligation to comply with all other applicable local, state or federal laws and regulations.

TERMINATION

37. This Order shall terminate when Respondents certify that all the requirements of this Order have been met, and NMED has approved such certification, or when the Secretary of NMED approves a Stipulated Final Order.



Stephanie Stringer, Director
Resource Protection Division
New Mexico Environment Department



Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Compliance Order was mailed via certified mail, return receipt requested, Nos. 7019 1640 0000 7894 3502, 7019 1640 0000 7894 3519, 7019 1640 0000 7894 3526 and 7019 1640 0000 7894 3533, respectively, postage prepaid on this 29th day of January, 2020, to the following persons:

Linda L. Aikin, Registered Agent
BL Santa Fe, LLC
1297 Bishops Lodge Road
Santa Fe, New Mexico 87506

Richard Holland, Manager
BL Santa Fe, LLC
112 West San Francisco Street, Suite 310
Santa Fe, New Mexico 87501

HRV Hotel Partners, LLC
c/o Linda Aikin, Registered Agent
BL Santa Fe, LLC
1297 Bishops Lodge Road
Santa Fe, New Mexico 87506

Richard Holland, Manager
HRV Hotel Partners, LLC
112 West San Francisco Street, Suite 310
Santa Fe, New Mexico 87501



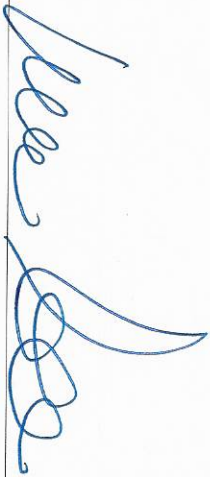
Sara Martinez, Administrative Secretary
Solid Waste Bureau
New Mexico Environment Department

CERTIFICATE OF DISPOSAL

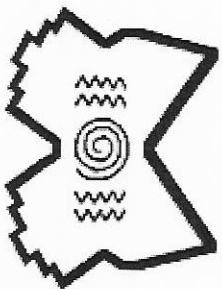
This certificate is given to

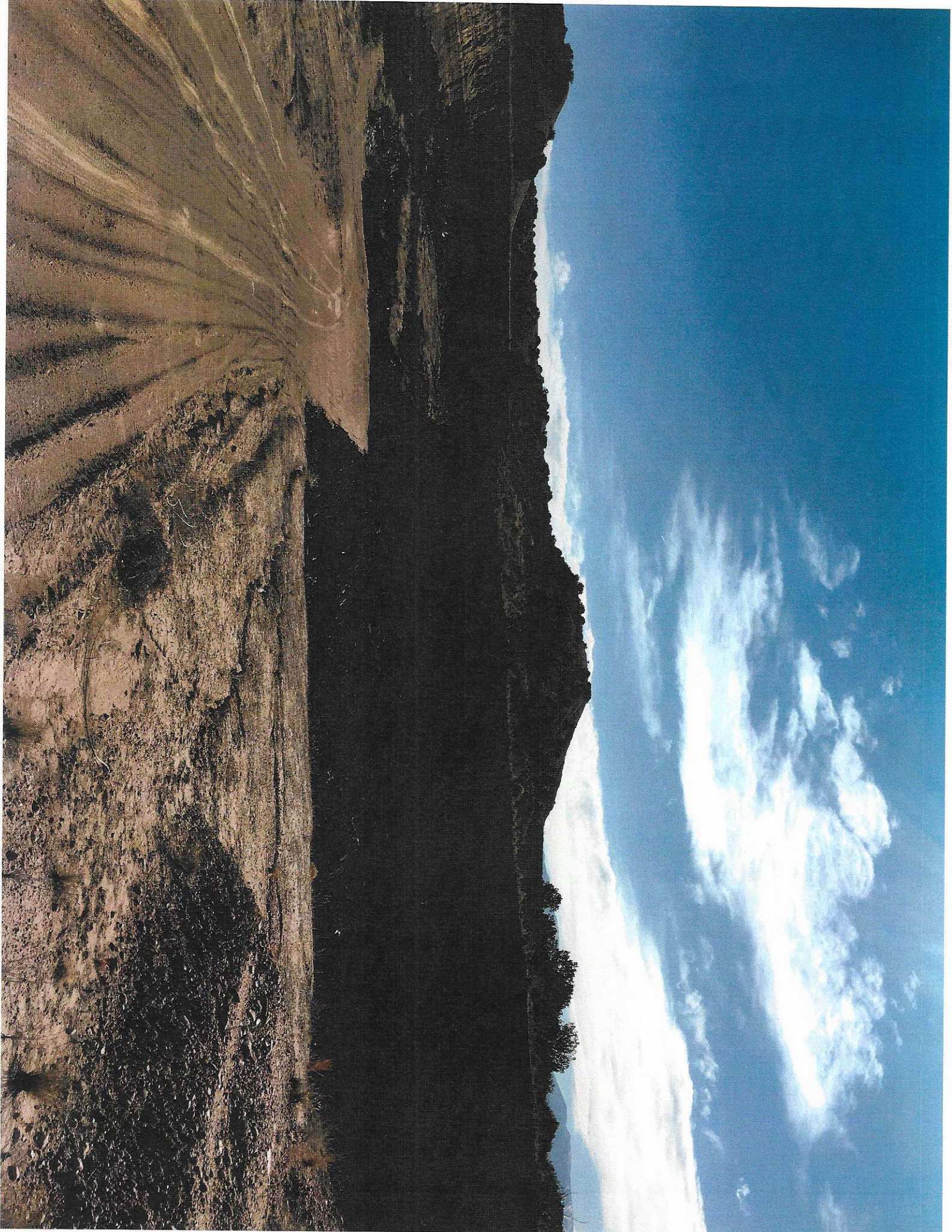
BISHOPS LODGE

For the disposal of materials from wetlands that included cattails,
Sludge, damp sludge and rubber liner


William Garcia, Director of Tribal Works
Pueblo of Pojoaque

Date 04-02-2018







BISHOPS LODGE DISPOSAL MATERIAL FROM WETLANDS

1. CATTAILS
2. SMALL AMOUNT OF SLUDGE & DAMP SLUDGE
3. RUBBER LINER (IF POSSIBLE)

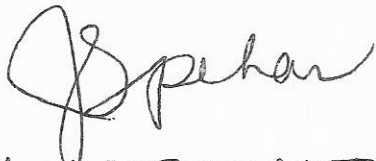
DRED HAS BEEN LAB TESTED EXTENSIVELY
& CONTAINS NO HAZARDOUS
MATERIALS OR CHEMICALS. PLEASE
SEE 2 PAGES LAB RESULTS.

DISPOSING OF THIS WOULD HELP
OUR PROJECT VERY MUCH.

WE APPRECIATE YOUR CONSIDERATION.

THANK YOU,

Jim SPEHAR



WASTEWATER TREATMENT
PLANT OPERATOR.

CELL: 505 6607981
OFFICE: 505 9891482
FOX : 505 9891376



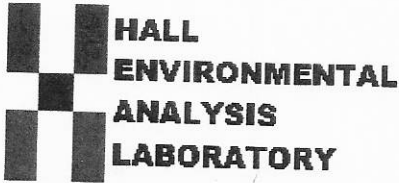
(3/12/2018)

VISITOR LODGE WETLANDS MATERIALS FOR DISPOSAL



(3/12/2018) BISHOPS LODGE NETLANDS (2048x1152) MATERIAL FOR DISPOSAL 03/2018





Hall Environmental Analysis Laboratory
4901 Hawkins NE
Albuquerque, NM 87109
TEL: 505-345-3975 FAX: 505-345-4107
Website: www.hallenvironmental.com

March 05, 2018

Jim Spehar
Bishops Lodge
2985 Plaza Azul
Santa Fe, NM 87507
TEL: (505) 660-7981
FAX

RE: Bishops Lodge

OrderNo.: 1802C52

Dear Jim Spehar:

Hall Environmental Analysis Laboratory received 1 sample(s) on 2/22/2018 for the analyses presented in the following report.

These were analyzed according to EPA procedures or equivalent. To access our accredited tests please go to www.hallenvironmental.com or the state specific web sites. In order to properly interpret your results, it is imperative that you review this report in its entirety. See the sample checklist and/or the Chain of Custody for information regarding the sample receipt temperature and preservation. Data qualifiers or a narrative will be provided if the sample analysis or analytical quality control parameters require a flag. When necessary, data qualifiers are provided on both the sample analysis report and the QC summary report, both sections should be reviewed. All samples are reported, as received, unless otherwise indicated. Lab measurement of analytes considered field parameters that require analysis within 15 minutes of sampling such as pH and residual chlorine are qualified as being analyzed outside of the recommended holding time.

Please don't hesitate to contact HEAL for any additional information or clarifications.

ADHS Cert #AZ0682 -- NMED-DWB Cert #NM9425 -- NMED-Micro Cert #NM0190

Sincerely,

Andy Freeman
Laboratory Manager
4901 Hawkins NE
Albuquerque, NM 87109

Hall Environmental Analysis Laboratory, Inc.

Analytical Report

Lab Order 1802C52

Date Reported: 3/5/2018

CLIENT: Bishops Lodge

Client Sample ID: West Wetland

Project: Bishops Lodge

Collection Date: 2/21/2018 5:00:00 PM

Lab ID: 1802C52-001

Matrix: SLUDGE

Received Date: 2/22/2018 12:35:00 PM

Analyses	Result	PQL	Qual	Units	DF	Date Analyzed	Batch
FREE LIQUID/PAINT FILTER							
Free Liquid	Negative			Pos/Neg	1	2/27/2018 9:53:00 AM	R49414
PERCENT SOLIDS							
Percent Solids	80	0.010		wt%	1	2/27/2018 12:38:00 PM	R49426
EPA METHOD 300.0: ANIONS							
Nitrogen, Nitrite (As N)	ND	0.30		mg/Kg	1	2/27/2018 4:56:57 AM	36703
Nitrogen, Nitrate (As N)	2.3	0.30		mg/Kg	1	2/27/2018 4:56:57 AM	36703
METHOD 4500-N-ORG C: TKN							
Nitrogen, Total Kjeldahl	550	50		mg/Kg	1	2/27/2018 9:41:00 AM	36708
MERCURY, TCLP							
Mercury	ND	0.020		mg/L	1	3/2/2018 6:06:55 PM	36812
EPA METHOD 6010B: TCLP METALS							
Arsenic	ND	5.0		mg/L	1	2/27/2018 1:28:50 PM	36734
Cadmium	ND	1.0		mg/L	1	3/1/2018 1:55:25 PM	36734
Chromium	ND	5.0		mg/L	1	2/27/2018 1:28:50 PM	36734
Lead	ND	5.0		mg/L	1	2/27/2018 1:28:50 PM	36734
EPA METHOD 8081: PESTICIDES TCLP							
Chlordane	ND	0.030		mg/L	1	2/27/2018 1:38:28 PM	36709
gamma-BHC (Lindane)	ND	0.40		mg/L	1	2/27/2018 1:38:28 PM	36709
Toxaphene	ND	0.50		mg/L	1	2/27/2018 1:38:28 PM	36709
Surr: Decachlorobiphenyl	66.2	43.3-136		%Rec	1	2/27/2018 1:38:28 PM	36709
Surr: Tetrachloro-m-xylene	63.3	30.7-130		%Rec	1	2/27/2018 1:38:28 PM	36709
EPA METHOD 8082A: PCB'S							
Aroclor 1016	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1221	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1232	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1242	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1248	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1254	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Aroclor 1260	ND	0.091		mg/Kg	1	2/27/2018 2:00:00 PM	36716
Surr: Decachlorobiphenyl	96.0	26.3-128		%Rec	1	2/27/2018 2:00:00 PM	36716
Surr: Tetrachloro-m-xylene	89.6	20.7-151		%Rec	1	2/27/2018 2:00:00 PM	36716
EPA METHOD 8260B: TCLP COMPOUNDS							
Benzene	ND	0.50		ppm	10	2/24/2018 6:22:51 PM	36666
2-Butanone	ND	200		ppm	10	2/24/2018 6:22:51 PM	36666
Surr: 1,2-Dichloroethane-d4	99.7	70-130		%Rec	10	2/24/2018 6:22:51 PM	36666

Refer to the QC Summary report and sample login checklist for flagged QC data and preservation information.

Qualifiers:	* Value exceeds Maximum Contaminant Level.	B Analyte detected in the associated Method Blank
	D Sample Diluted Due to Matrix	E Value above quantitation range
	H Holding times for preparation or analysis exceeded	J Analyte detected below quantitation limits
	ND Not Detected at the Reporting Limit	P Sample pH Not In Range
	PQL Practical Quantitative Limit	RL Reporting Detection Limit
	S % Recovery outside of range due to dilution or matrix	W Sample container temperature is out of limit as specified

Hall Environmental Analysis Laboratory, Inc.

Analytical Report

Lab Order 1802C52

Date Reported: 3/5/2018

CLIENT: Bishops Lodge

Client Sample ID: West Wetland

Project: Bishops Lodge

Collection Date: 2/21/2018 5:00:00 PM

Lab ID: 1802C52-001

Matrix: SLUDGE

Received Date: 2/22/2018 12:35:00 PM

Analyses	Result	PQL	Qual	Units	DF	Date Analyzed	Batch
EPA METHOD 8260B: TCLP COMPOUNDS							Analyst: DJF
Surr: 4-Bromofluorobenzene	118	70-130		%Rec	10	2/24/2018 6:22:51 PM	36666
Surr: Dibromofluoromethane	106	70-130		%Rec	10	2/24/2018 6:22:51 PM	36666
Surr: Toluene-d8	98.9	70-130		%Rec	10	2/24/2018 6:22:51 PM	36666
EPA METHOD 9040C							Analyst: JRR
pH	7.87			pH Units	1	2/27/2018 11:27:00 AM	R49416

Refer to the QC Summary report and sample login checklist for flagged QC data and preservation information.

Qualifiers:	* Value exceeds Maximum Contaminant Level.	B Analyte detected in the associated Method Blank
	D Sample Diluted Due to Matrix	E Value above quantitation range
	H Holding times for preparation or analysis exceeded	J Analyte detected below quantitation limits
	ND Not Detected at the Reporting Limit	P Sample pH Not In Range
	PQL Practical Quantitative Limit	RL Reporting Detection Limit
	S % Recovery outside of range due to dilution or matrix	W Sample container temperature is out of limit as specified

Hall Environmental Analysis Laboratory, Inc.

Analytical Report

Lab Order 1802C50

Date Reported: 3/5/2018

CLIENT: Bishops Lodge

Client Sample ID: East Wetland

Project: Bishops Lodge

Collection Date: 2/21/2018 5:00:00 PM

Lab ID: 1802C50-001

Matrix: SLUDGE

Received Date: 2/22/2018 12:35:00 PM

Analyses	Result	PQL	Qual	Units	DF	Date Analyzed	Batch
EPA METHOD 8260B: TCLP COMPOUNDS							Analyst: DJF
Surr: 4-Bromofluorobenzene	116	70-130		%Rec	10	2/24/2018 5:53:28 PM	36666
Surr: Dibromofluoromethane	105	70-130		%Rec	10	2/24/2018 5:53:28 PM	36666
Surr: Toluene-d8	98.6	70-130		%Rec	10	2/24/2018 5:53:28 PM	36666
EPA METHOD 9040C							Analyst: JRR
pH	7.10			pH Units	1	2/27/2018 11:27:00 AM	R49416

Refer to the QC Summary report and sample login checklist for flagged QC data and preservation information.

Qualifiers:	* Value exceeds Maximum Contaminant Level.	B Analyte detected in the associated Method Blank
	D Sample Diluted Due to Matrix	E Value above quantitation range
	H Holding times for preparation or analysis exceeded	J Analyte detected below quantitation limits
	ND Not Detected at the Reporting Limit	P Sample pH Not In Range
	PQL Practical Quantitative Limit	RL Reporting Detection Limit
	S % Recovery outside of range due to dilution or matrix	W Sample container temperature is out of limit as specified

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Client: HALL ENVIRONMENTAL ANALYSIS LAB
Address: 4901 HAWKINS NE SUITE D
ALBUQUERQUE, NM 87109
Attn: ANDY FREEMAN

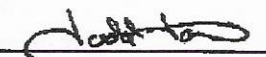
Batch #: 180223017
Project Name: 1802C50

Analytical Results Report

Sample Number	180223017-001	Sampling Date	2/21/2018	Date/Time Received	2/23/2018 11:03 AM
Client Sample ID	1802C50-001B / EAST WETLAND	Extraction Date	2/27/2018		
Matrix	Solid	Sampling Time	5:00 PM		
Comments					

Parameter	Result	Units	PQL	Analysis Date	Analyst	Method	Qualifier
TCLP 2,4,5-TP (Silvex)	ND	ppm	0.1	2/28/2018	MAH	EPA 8151A	
TCLP 2,4-D	ND	ppm	0.1	2/28/2018	MAH	EPA 8151A	
TCLP Pentachlorophenol	ND	ppm	0.1	2/28/2018	MAH	EPA 8151A	

Authorized Signature


Todd Taruscio, Lab Manager

MCL EPA's Maximum Contaminant Level
ND Not Detected
PQL Practical Quantitation Limit

This report shall not be reproduced except in full, without the written approval of the laboratory.
The results reported relate only to the samples indicated.
Soil/solid results are reported on a dry-weight basis unless otherwise noted.

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Wednesday, February 28, 2018

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